

Subject to the approval of the Court, the parties hereby stipulate to vacate the standby case management conference ("CMC") scheduled for September 29, 2011. It is the parties' understanding that a case management conference was to be held after the Court issued a ruling on the parties' cross-motions for summary judgment, and that September 29 was held for that purpose. Given that the hearing on the cross-motions was subsequently continued after the standby CMC was scheduled, and the Court has not yet issued its ruling on the cross-motions, the parties stipulate and request that the standby CMC scheduled for September 29, 2011, be vacated, to be rescheduled by the Court, if necessary, following the Court's order on the cross-motions for summary judgment.

HOLME, ROBERTS & OWEN LLP

DATED: September 21, 2011

By:

_____/s/_____
 DAVID GREENE
 Attorney for Plaintiff

MELINDA HAAG
 United States Attorney


DATED: September 21, 2011

By:

_____/s/_____
 NEILL T. TSENG
 Assistant United States Attorney
 Attorneys for Defendant

PURSUANT TO STIPULATION, IT IS SO ORDERED:

DATED: 9/21/11


 HONORABLE RICHARD SEEBORG
 UNITED STATES DISTRICT JUDGE